SCREENING AND ENVIRONMENTAL ACTION FORM FOR A LOW-EFFECT HCP DETERMINATION

I. Project Information

A. Project: Sweet Springs Nature Preserve Habitat Conservation Plan

B. Affected Species: Morro shoulderband snail (*Helminthoglypta walkeriana*)

C. Project Size: Approximately 31 acres

D. Project Description: Morro Coast Audubon Society (MCAS) proposes to implement the following actions on their property at Sweet Spring Nature Preserve: (1) provide public access to the preserve; (2) conduct surveys for, capture, and move Morro shoulderband snails out of harm's way; (3) conduct habitat enhancement activities (e.g., non-native species removal, planting and seeding native plant species, irrigation) in the eastern parcel of the preserve; (4) install access improvements (including ADA parking) and other amenities in the eastern parcel of the preserve; (5) maintain, replace, and enhance existing facilities throughout the preserve as needed; (6) maintain and irrigate restored/enhanced vegetation as needed to ensure success; (6) construct, improve, and maintain trails; (7) trim and/or remove nonnative trees; and, (8) limit/direct foot traffic to trails and identified areas. These proposed activities are consistent with the stewardship agreement by which MCAS was deeded the property from the California Coastal Conservancy.

In support of their application for an incidental take permit (ITP), MCAS prepared and submitted a habitat conservation plan (HCP) pursuant to section 10(a)(1)(B) of the Endangered Act, as amended. Permit issuance would authorize the take of Morro shoulderband snail, a federally listed endangered terrestrial invertebrate, that are likely to occur incidental to conducting those otherwise legal activities identified above.

E. Covered Lands: The ITP would authorize take of Morro shoulderband snail within approximately 31 acres comprised of three existing parcels legally described as County of San Luis Obispo APNs 074-101-004 (8.3 acres), 074-229-009 (12.4 acres), and 074-229-010 (10.2 acres). The parcels are contiguous and located on the north side of Ramona Avenue between Broderson Avenue and 4th Street in the unincorporated community of Los Osos, San Luis Obispo County, California.

F. Permit Term: The requested permit term is 15 years and the ITP would be eligible for renewal consistent with procedures required by Federal regulation (50 CFR 13.22).

G. Species Occupation and Baseline: Protocol-level surveys for Morro shoulderband snail were conducted on the east portion of the preserve in 2008 and 2009. In addition, non-protocol surveys are regularly conducted as part of monitoring for habitat restoration activities on the east and central portions of the preserve. Past surveys have identified a total of approximately 140 live individuals and numerous empty shells throughout the preserve. Most of the identified

occurrences were concentrated in and directly adjacent to remnant coastal dune scrub and woody debris piles located at the northern and southern ends of the east preserve. While the species is found in coastal dune scrub, surveys have also identified Morro shoulderband snails in maritime chaparral, perennial veldt grass grassland, woody and other debris, and wood chips within the preserve. The proposed covered area is not located within one of the three critical habitat unit designated for Morro shoulderband snail in 2004 or any conservation planning area in the recovery plan for the species (Service 1998).

H. Avoidance, Minimization, and Mitigation Measures

Avoidance Measures: Proposed activities and on-going uses have been designed to avoid impacts to native habitat. All proposed trail improvements would be located within disturbed areas and maintain habitat connectivity by not bisecting these areas. Installation of the trail and pathway will concentrate foot traffic in designated areas to reduce the potential for trampling MSS habitat in other parts of the preserve. The construction of the overlook would be in an area that transitions from upland to wetlands habitat in the northern portion of the eastern parcel.

Minimization Measures: To minimize take of Morro shoulderband snail in the form of injury or direct mortality, a Service-approved biologist will survey the work areas (and any other areas where take may occur) for individuals that may be present. Identified individuals, of all life stages, will be captured and moved out of harm's way into suitable habitat in other areas of the preserve. The size, age-class, location of capture, and release site location will be recorded for each live individual. Empty shells will be noted, counted, and classified by size and age and left in place.

Surveys will be conducted no longer than 48 hours prior to commencement of initial ground disturbance activities, including vegetation removal, materials staging, grading, etc. If pre-construction surveys occur during the summer months (April through October), when Morro shoulderband snails are typically aestivating, one intensive survey will be conducted by at least two Service-approved biologists immediately prior to commencement of the activity. Surveys will involve moving and searching under all vegetation and anthropogenic feature (e.g., woodpiles, debris). If pre-construction surveys occur during the rainy season (November through March) multiple surveys will be conducted as necessary to identify all individuals present in the work area. As needed, daily surveys may be conducted at the beginning of each work day to check for and remove any individuals that may have entered the construction area.

The intent of these pre-construction surveys is to capture and remove all individual Morro shoulderband snails present in the work area. However, previous experience has shown that due to the small size and cryptic coloration and behavior of the species, some individuals can be missed during even with the most thorough effort. These individuals may go wholly undetected or may become visible during ground disturbance activities. To address this possibility, a Service-approved biologist will also be present during all grading and grubbing activities to detect, capture, and move any additional Morro shoulderband snails out of harm's way

Additionally, a Service-approved biologist with demonstrable knowledge and experience with Morro shoulderband snail and the diversity of habitats where it may occur will conduct pre-construction environmental awareness training sessions for all construction and volunteer personnel. The sessions are intended to inform construction crews, field supervisors, and volunteers about the status and presence of the species, grading and construction-activity restrictions, and those minimization measures specified in the HCP. This training will be provided whenever new personnel are retained to work onsite.

Mitigation Measures: In addition to continuing their existing invasive nonnative species removal and habitat restoration projects, MCAS will set aside a 0.5-acre HCP Mitigation Area to mitigate unavoidable take of Morro shoulderband snail and restore coastal dune scrub habitat to provide native habitat conditions suitable for the long-term occupation by Morro shoulderband snails. Habitat restoration will be accomplished through the removal of nonnative plants, seeding and planting with native coastal dune scrub species, and regular maintenance and monitoring. Nonnative grass species, particularly perennial veldt grass, will be removed by hand or application of grass-selective herbicides. While manual methods are preferred for removal of nonnative plant species within the preserve, ; use of herbicides is proposed to control species that are difficult to eliminate in this manner. Herbicide applications in the preserve will be in accordance with Service's Programmatic Biological Opinion (1-8-03-FW-11) and extreme care will be taken during herbicide application(s) to avoid damage to native plants, Morro shoulderband snails, and other wildlife.

The size of the HCP Mitigation Area is based on the anticipated ~6,500 square feet (sf) of disturbance that may result from the various physical improvements. An area of disturbance for the activities other than the physical improvements (trails, boardwalk) is difficult to estimate but has been assumed to be less than half of the area of these improvements. A multiplier of two was chosen to mitigate the impacts of all activities because the project's overall impact is minimal and additional areas of the preserve will be restored to coastal dune scrub apart from requirements of the HCP. The mitigation area of 0.5-acre was determined by multiplying 6,500 sf times by a factor of two (13,000 sf or 0.3 acre) and then adding an additional 0.2 acre for the impacts which are more difficult to quantify.

I. Monitoring and Reporting

Monitoring: The HCP includes compliance, effects, and effectiveness monitoring. These are described in detail below.

- Compliance Monitoring: Upon issuance of a permit, the permittee will retain a Service-approved biologist to conduct compliance monitoring for Morro shoulderband snail during construction of the project. This biologist would ensure that the required minimization measures are implemented. Results of the compliance monitoring will be reported in the first annual report and subsequent reports, as necessary.
- Effects Monitoring: To quantify the amount of incidental take resulting from project implementation, the Service-approved biologist will document the number and age class of individual Morro shoulderband snails that are captured and moved, as well as any

individuals found injured or killed during any aspect of project implementation. This information will be included in the first annual report and subsequent reports, as necessary.

- Effectiveness Monitoring: The recovery areas and the HCP Mitigation Area will undergo on-going monitoring in perpetuity. Monitoring activities will be documented and the resulting reports will be submitted to the Service annually for 14 years or while restoration activities are being performed following the 12-month construction period. The annual monitoring will be conducted by the permittee and will focus on measuring cover of non-native plants and ensuring that the management areas are meeting the performance standards outlined in the HCP and its associated RAP. During the monitoring period, the HCP mitigation area will be visually inspected for disturbance that could negatively affect Morro shoulderband snails.

Reporting: Project implementation and annual monitoring reports will be submitted to the Service during the 15-year ITP permit term. Project update reports will be submitted via e-mail to the Service by the approved biologist quarterly during the construction phase. These reports will include:

- Reason for monitoring visit.
- Summary of project activities accomplished since the previous visit.
- Summary of current and upcoming project activities.
- Discussion of any issues or problems noted, and the steps taken to address the issue.
- Recommendations, and a tentative schedule for the next visit.

In addition, MCAS will submit annual monitoring reports each year of the 15-year permit term. Annual Reports to the Service will include:

- Brief summary or list of project activities accomplished during the reporting year (e.g., development / construction activities, restoration efforts).
- Project impacts (e.g., acres graded, number of buildings constructed).
- Description of any take of covered species that occurred (including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals).
- Brief description of the conservation strategy implemented.
- Monitoring results (compliance, effects, and effectiveness monitoring) and survey information (if applicable).
- Description of any circumstances that made adaptive management necessary, how changes were implemented, and a brief summary of the actions taken.
- Description of any changed or unforeseen circumstances that occurred and how they were dealt with.
- Funding expenditures, balance, and accrual.
- Description of any minor or major amendments.

II. Does the HCP fit the following low-effect criteria?

A. Are the effects of the HCP minor or negligible on federally listed proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures? Yes. While the project site provides habitat for a population of Morro shoulderband snail, take of this species would be primarily in the form of capture in order to move individuals out of harm's way into other suitable habitat onsite. Ongoing habitat restoration activities being conducted under the authorization of a section 10(a)(1)(A) permit continue to improve habitat for Morro shoulderband snails and other coastal dune scrub species. The HCP would build upon these activities as part of its conservation strategy. As such, the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats are considered to be minor or negligible.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures? Yes. The proposed project is limited in size and scope and focuses primarily on public access and habitat improvements to the existing Morro Coast Audubon Nature Preserve. As such, adverse effects to air quality, geology and soils, water quality and quantity, socio-economic cultural resources, recreation, visual resources and any other environmental values are considered to be minor or negligible.

C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects <u>not</u> result, over time, in cumulative effects to environmental values or resources that would be considered significant? As discussed previously, the proposed project is limited in size and scope and its primary focus is to improve public access to the preserve while managing and improving habitat values for native species. As such, we determine that project implementation is not likely to result in significant cumulative effects to the human environment.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (Form 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety? No. The HCP supports our proposed issuance of an ITP to authorize take of Morro shoulderband snail associated with improvements to improve public access, inclusive of ADA amenities; maintain existing facilities and trails; continued trimming/removal of nonnative *Eucalyptus* trees. We do not anticipate that HCP would result in significant adverse effects on public health or safety.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, migratory birds, or ecologically significant or critical areas? No. The project is sited within an existing

Audubon nature preserve and is adjacent to a residentially-zoned and developed area. There are no park or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, or prime farmlands within or adjacent to the HCP proposed covered area. While the approximately 31-acre covered area does contain freshwater and coastal salt marsh habitats, the activities included in the HCP are wholly with upland habitat areas. Project activities would be limited to upland areas and their implementation is not anticipated to have adverse effects to these resources. The area is considered to be ecologically significant and important to migratory birds but the proposed actions are not anticipated to have an adverse effect on these resources. Rather, they are intended to enhance and protect these values by restricting access to identified trails and an overlook. Considering all of the above, we do not anticipate that the HCP would result in adverse effects to unique geographic characteristics such as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, migratory birds, or ecologically significant or critical areas

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? No. The project is of a limited size and scope and consistent with the stewardship agreement by which MCAS was deeded the property from the California Coastal Conservancy and Morro Coast Audubon's Recovery Action Plan (SWCA 2011) that has been approved by the Service and would be consistent with County of San Luis Obispo zoning laws and regulations. An alternatives analysis is provided in the HCP; however, no alternative was identified to have substantially less effects on available resources and or to meet stewardship responsibilities than the proposed project.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The project is limited in size and scope. No unique risks have been identified onsite and no reasonably identifiable future effects are expected.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. Project implementation would not set a precedent or represent a decision in principle about potentially significant future environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. This is a single action not related to any other.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. It has been determined that the HCP would not result in significant effects to cultural or archaeological resources (Service 2014). No historic structures occur onsite.

H. Have adverse effects on federally listed or species proposed for Federal listing, or have significant impacts on designated critical habitat for listed species? No. The HCP area is

not within proposed or designated critical habitat for Morro shoulderband snail or any other federally listed species.

I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment? No. The HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. This project will be subject to review pursuant to the County of San Luis Obispo's Local Coastal Plan. Project implementation will require issuance of a minor use permit by the County of San Luis Obispo and a Coastal Development Permit. Demonstration that the applicants are in receipt of an ITP for this parcel will be a condition needed to obtain subsequent permits necessary to allow activities that would result in take.

J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)? No. HCP implementation is intended to improve access and opportunities within the existing nature preserve for the public and, as such, would not have either a disproportionately high or adverse effect on low-income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)? No. The HCP area is not located on Federal land nor is it proximal to sacred lands used by Native American religious practitioners nor are such lands found within the project area. As such, issuance of an ITP pursuant to the draft HCP would not result in the limitation of access to, and ceremonial use of, Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites

L. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? No. Morro Coast Audubon already implements an invasive nonnative plant species removal program under the authority of a section 10(a)(1)(B) permit. The HCP will build upon this program, with special focus on the nonnative perennial veldt. As such, it the HCP would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.

ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, issuance of an ITP for Morro Coast Audubon Society's Sweet Springs Nature Preserve project is eligible for use of a categorical exclusion as its National Environmental Policy Act compliance as defined in the Service's *Habitat Conservation Planning Handbook* and is excluded from further National Environmental Policy Act documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents:

Habitat Conservation Plan for the Federally Endangered Morro Shoulderband Snail, Sweet Springs Nature Preserve, Los Osos, California (SWCA 2015)

Section 106 Compliance for Issuance of an Incidental Take Permit for the Sweet Springs Nature Preserve Low–Effect Habitat Conservation Plan (HCP), Los Osos, San Luis Obispo County, California (Service 2014)

Concurrence:

Field Supervisor

3/22/16
Date